

April 12, 2023

**VIA ECF**

Hon. Katharine H. Parker  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 750  
New York, NY 10007

Re: *Kaiser Aluminum Warrick, LLC v. US Magnesium, LLC*, Case No. 1:22-cv-3105 (JGK) (KHP)

Dear Judge Parker:

Plaintiff Kaiser Warrick Aluminum, LLC (“Kaiser”) and Defendant US Magnesium, LLC (“US Mag”) jointly write pursuant to the Court’s March 31, 2023 Order (ECF No. 96) to provide an update regarding deposition scheduling.

The deposition of non-party Universal Plant Services (“UPS”), through its designated representative Christopher Lab, remains scheduled for May 17, 2023, in Houston, Texas.

The parties have also now scheduled the depositions of US Mag corporate representatives Ron Thayer and Cameron Tissington as well as individuals Peter Ngai and Ray Bassani in Salt Lake City, Utah on the following dates:

<b>Witness</b>	<b>Date</b>
Ron Thayer	May 22
Cameron Tissington	May 23
Peter Ngai	May 24
Ray Bassani	May 25

In addition to conducting these depositions, Kaiser representatives will also visit US Mag’s plant on May 26. Kaiser has notified US Mag that Kaiser also currently intends to take the depositions of Martin Davis (current US Mag employee), Remington Lawrence (former US Mag employee), and Gary Taylor (non-party contractor) on a second trip to Salt Lake City to be scheduled. In addition, Kaiser currently intends to take the deposition of Cody Nielson (former US Mag employee) by video as Mr. Nielson has relocated to Abilene, Texas. US Mag is determining Mr. Nielson’s availability. Kaiser reserves the right to change the witnesses it seeks to depose after conducting the UPS deposition and first tranche of US Mag depositions scheduled for the week of May 22.

The Honorable Katharine H. Parker  
 April 12, 2023  
 Page 2

The parties have scheduled the depositions of Kaiser corporate representatives Del Miller, Evan Quinley, Dustin Garrels, and Neal West on the following dates in or around Nashville, Tennessee:

Witness	Date
Del Miller	July 10
Evan Quinley	July 11
Dustin Garrels	July 12
Neal West	July 13

US Mag has also advised Kaiser that US Mag intends to take the depositions of at least Kaiser corporate representative Rick Siegel as well as individuals John Donnan and Nick Badgett on a second trip to Nashville to be scheduled. US Mag reserves changing the witnesses it seeks to depose after conducting the first tranche of Kaiser depositions scheduled for the week of July 10, and any ruling by the Court on US Mag's pending partial motion to dismiss concerning damages issues.

Respectfully submitted,

**MCDERMOTT WILL & EMERY LLP**

/s/ Andrew B. Kratenstein

Andrew B. Kratenstein  
 Monica S. Asher  
 Amella Viso  
 One Vanderbilt Avenue  
 New York, New York 10017  
 (212) 547-5400

*Attorneys for Plaintiff  
 Kaiser Aluminum Warrick, LLC*

**BLANK ROME LLP**

/s/ Martin S. Krezaleck

Martin S. Krezaleck  
 1271 Avenue of the Americas  
 New York, NY 10020  
 (212) 885-5000

**BURBIDGE | MITCHELL**

Richard D. Burbidge (admitted *pro hac vice*)  
 215 South State Street, Suite 920  
 Salt Lake City, UT 84109  
 (801) 355-6677

*Attorneys for Defendant  
 US Magnesium, LLC*